



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

um

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,791	05/13/2002	Philippe Schottland	GEPL.P-049	1632
21121	7590	04/22/2004	EXAMINER	
OPPEDAHL AND LARSON LLP			LEE, GUIYOUNG	
P O BOX 5068			ART UNIT	
DILLON, CO 80435-5068			PAPER NUMBER	
			2875	

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/063,791	<b>Applicant(s)</b> SCHOTTLAND ET AL.	
	<b>Examiner</b> Guiyoung Lee	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-70 and 72-101 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-70 and 72-101 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>0104</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Prelim./Amdt.*

1. Receipt is acknowledged of the Amendment filed 1-23-2004.
2. In light of the Amendment to the claims, the Examiner's claim objections are withdrawn.
3. In light of the Amendment to the claims, the Examiner's claim rejections under the second paragraph of 35 U.S.C. 112 are withdrawn.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 31-33, 43, 58, 77, and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schöniger et al. (USPT 5,136,483) in view of Chase et al. (USPT 6,502,974 B2).

Re claims 1, 31-33, 43, 58, 77, and 96: Schöniger discloses an automotive headlamp having a housing (12 in Fig. 2) for receiving a light source (14) and an outer lens (10) disposed such that light from a light source disposed in the housing passes through the lens, a reflector (16) disposed within the housing wherein the reflector reflects light from a light source disposed within the housing toward the lens, wherein the lens comprises a transparent resin and a photoluminescent material (col. 3, lines 27-30), and wherein the housing, reflector, and lens work together with a light source disposed in the housing to provide an output beam from the headlamp. Schöniger does not disclose lens or bezel is made of a polycarbonate. However, Chase

Art Unit: 2875

teaches that a lens and a bezel are made of a polycarbonate (col. 3, lines 8-10 and col. 4, lines 30-35). It would have been obvious to one having ordinary skill in the art at the time of the invention to substitute Schöniger's transparent resin with Chase' polycarbonate because polycarbonate is a rigid high heat resistance material. Further, Chase discloses a method for making a lens or bezel by molding (col. 4, lines 12-23).

6. Claims 2-30, 34-42, 44-57, 59-70, 72-76, 78-95, and 97-101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schöniger and Chase as applied to claims 1, 43, 58, 77 and 96 above, and further in view of Burns et al. (USPT 5,605,761). The teachings of Schöniger and Chase have been discussed above.

7. Re claims 2-8, 10, 13, 18-23, 25, 28, 35-40, 42, 45-50, 52-55, 60, 62-67, 70, 79, 81-86, 89-90, and 99: Schöniger does not disclose the ratio of concentration of fluorescent material. However, Burns teaches a polycarbonate articles containing fluorescent dye between about 0.05 and about 0.7 weight percent. Further, Burns teaches that articles with dye loading outside this range can be used in accordance with the invention (col. 3, lines 30-48). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ the ratio of concentration of fluorescent dye as taught by Burns in order to avoid self-quenching that cause an undesirable decrease in fluorescent brightness (col. 3, lines 47-48).

8. Re claims 9, 12, 14-15, 17, 24, 27, 29-30, 34, 41, 44, 51, 56-57, 59, 61, 69, 74-76, 78, 80, 88, and 93-95, 97-98: Burns discloses a perylene imide as a fluorescent dye (col. 3, line 51).

9. Re claim 16, 72-73, and 91-92: Burns teaches an UV-coating (col. 5, lines 11-13).

Art Unit: 2875

10. Re claims 11, 26, 68, and 87: Chase discloses a rib (Fig. 4).

11. Re claims 100-101: With regard to the light source and the material of the lens or the bezel as set forth in the claims 100-101, Burns teaches perylene imide dye such as LUMOGEN F240<sup>TM</sup> Orange or other fluorescent dyes in the table (col. 5, lines 35+). Further, Burns teaches color determination technique (col. 6, lines 25++). It would have been obvious to one having ordinary skill in the art at the time of the invention to select the light source and the materials of the lens or the bezel such that light emitted from the light source is modified in chromaticity as it passes through the lens such that the illuminating beam from the headlamp has an average x chromaticity coordinate of between 0.31 to 0.50, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

#### ***Response to Arguments***

12. Applicant's arguments with respect to claims 1-70 and 72-101 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

Art Unit: 2875


will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY

  
**ALAN CARIASO**  
**PRIMARY EXAMINER**